

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

EDGAR DOMINGUEZ JR.,

Plaintiff,

v.

**FREDDIE CAROL BAKER AND
SHELTON TRANSPORTATION
LINES, LLC**

Defendants.

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CIVIL ACTION NO. _____

JURY

**DEFENDANTS SHELTON TRANSPORTATION LINES, LLC
AND FREDDIE CAROL BAKER'S
NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§1441 and 1446, Defendants Shelton Transportation Lines, LLC and Freddie Carol Baker ("Defendants"), files this their Notice of Removal to the United States District Court for the Southern District of Texas, Houston Division, on the basis of diversity of citizenship and amount in controversy, and respectfully shows:

**I.
FACTUAL BACKGROUND**

1. On or about February 1, 2017, Plaintiff filed his Original Petition in a case styled *Edgar Dominguez Jr. v. Freddie Carol Baker and Shelton Transportation Lines, LLC*, Cause No. 2017-00545, pending in the 269th Judicial District Court for Harris County, Texas.

2. Plaintiff served Defendants through the secretary of state on February 1, 2017. Defendants filed their Original Answer to Plaintiff's Original Petition on March 17, 2017.

3. Defendant Shelton Transportation Lines, LLC, received notice of service of Plaintiff's Original Petition on February 17, 2017, and therefore files this timely Notice of Removal within 30 days of receiving notice of service of Plaintiff's pleading and citation. *See* 28 U.S.C. §1446(b).

4. Pursuant to Local Rule 81, the following documents are being concurrently filed with this removal:

- **Exhibit A:** Index of Matters Being Filed;
- **Exhibit B:** The state court's Civil Docket Sheet;
- **Exhibit C:** Plaintiff's Original Petition and Request for Disclosure;
- **Exhibit D:** Service of process served upon on Defendants;
- **Exhibit E:** Defendants' Original Answer to Plaintiff's Original Petition;
- **Exhibit F:** List of Parties and Counsel.

II. BASIS FOR REMOVAL

5. Removal is proper based upon diversity of citizenship under 28 U.S.C. § 1332. Under 28 § 1332, federal courts have original jurisdiction over controversies between citizens of different states if the amount in controversy exceeds the sum or value of \$75,000, exclusive of interests and costs.¹

A. Plaintiff and Defendants Are Diverse

6. As pled in Plaintiff's Original Petition, Plaintiff, Edgar Dominguez Jr., is a citizen of the State of Texas.²

¹ 28 U.S.C. § 1332(a).

² Plaintiff's Original Petition ¶ 2.

7. For organizations, citizenship lies in every state where it has been incorporated or has its principal place of business.³ Defendant, Shelton Transportation Lines, LLC, is a limited liability company with its principal office in Jonesboro, Arkansas, and is therefore a citizen of the State of Arkansas.

8. Defendant Freddie Carol Baker is a citizen of the State of Arkansas.

9. Because Plaintiff's citizenship is Texas and Defendants' citizenship lies in Arkansas, the parties are completely diverse for purposes of diversity jurisdiction.

B. The Amount in Controversy Exceeds the Jurisdictional Requirements for Subject Matter Jurisdiction

10. In his Original Petition, Plaintiff states he "seeks monetary relief over \$200,000 but not more than \$1,000,000". Accordingly, the amount in controversy exceeds the jurisdictional removal requirement of \$75,000.00.

11. Because the parties are completely diverse and the amount in controversy exceeds the jurisdictional requirements, this Court has original diversity jurisdiction over the claims against Defendants, making them properly removable.

**III.
PROCEDURAL REQUIREMENTS**

12. This Notice of Removal is filed within the 30-day time period established in 28 U.S.C. § 1446(b) as Defendant Shelton Transportation Lines, LLC, received notice of the petition and citation on February 17, 2017.

13. Venue is proper in this District and Division under 28 U.S.C. §1446(a) because i) this District and Division include the county in which the state action has been pending, and ii) a substantial part of the events giving rise to Plaintiff's claims allegedly occurred in this District and Division.

³ 28 U.S.C. §1332(c)(1).

14. Pursuant to 28 U.S.C. §1446(a), all pleadings, process, orders, and all other filings in the state court action are attached to this Notice.

15. Promptly after Defendants file this Notice of Removal, written notice of the filing will be given to Plaintiff pursuant to 28 U.S.C. §1446(d).

16. Promptly after Defendants file this Notice of Removal, a true and correct copy of same will be filed with the Clerk of the Harris County District Court pursuant to 28 U.S.C. §1446(d).

17. Plaintiff demanded a jury in the state-court action.

IV. CONCLUSION

18. Based upon the foregoing, the exhibits submitted in support of this removal, and other documents filed contemporaneously with this Notice of Removal, Defendants Shelton Transportation Lines, LLC, and Freddie Carol Baker hereby respectfully requests that the case styled Cause No. 2017-2754702; *Edgar Dominguez Jr. v. Freddie Carol Baker and Shelton Transportation Lines, LLC*; In the 269th Judicial District Court of Harris County, Texas be removed to this Court.

Respectfully,

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17th day of March, 2017, a true and correct copy of this document was served upon all known counsel by electronic service and/or facsimile in accordance with the Federal Rules of Civil Procedure, as follows:

Brian P. Messina

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Houston, Texas 77060

Counsel for Plaintiff

/s/ William R. Moye

WILLIAM R. MOYE